

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Megan M. Lamke,

Court File No.:

Plaintiff,

NOTICE OF REMOVAL

v.

Sunbelt Rentals, Inc.,

Defendant.

Defendant Sunbelt Rentals, Inc., respectfully files this Notice of Removal of the above-captioned action from the District Court for the Fourth Judicial District of the State of Minnesota, Hennepin County, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446. In support of the Notice of Removal, Defendant states the following:

1. Plaintiff commenced an action in the Hennepin County District Court, Fourth Judicial District, State of Minnesota, by service of a Summons and Complaint upon Defendant Sunbelt Rentals, Inc., on November 10, 2021.

2. The Summons and Complaint were the first pleadings delivered to Defendant. This matter was not initially filed in state court.

3. A true and correct copy of the Summons and Complaint is attached as Exhibit A.

4. Defendant's Answer is attached as Exhibit B.

5. To the best knowledge, information, and belief of Defendant, no further process, pleadings, or orders have been filed or served in this matter.

6. In the Complaint, Plaintiff seeks monetary damages arising out of an alleged personal injury suffered in Hennepin County, Minnesota. The Complaint asserts a claim for negligence arising out of an alleged accident. The state court action is a civil action within the meaning of the Acts of Congress relating to the removal of cases.

7. Plaintiff Megan M. Lamke was and is a resident of the State of Minnesota. Therefore, Plaintiff is a citizen of Minnesota.

8. Defendant Sunbelt Rentals, Inc., is a North Carolina corporation with its principal place of business in South Carolina. Therefore, Sunbelt Rentals is a citizen of North Carolina and South Carolina. 28 U.S.C. 1332(c)(1).

9. Complete diversity of citizenship therefore exists between the parties. 28 U.S.C. § 1332(a).

10. The Complaint claims an unspecified amount of monetary damages for alleged personal injury damages in excess of \$50,000.

11. The amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs. 28 U.S.C. § 1446(c)(2).

12. Pursuant to 28 U.S.C. § 1332(a), this Court has original jurisdiction over this action because there is complete diversity of citizenship and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

13. Defendant was served on November 10, 2021. Removal of this action is therefore timely, because this notice is being filed within thirty days of the date Defendant received a copy of the initial pleadings in this case by service or otherwise, pursuant to 28 U.S.C. § 1446(b)(1).

14. Removal of this case to the United States District Court for the District of Minnesota is proper, because the District of Minnesota is the district embracing the place where the action is pending, pursuant to 28 U.S.C. § 1441(a).

15. Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this Notice of Removal has been filed with the Clerk of the Hennepin County District Court, Fourth Judicial District, State of Minnesota, and served on the attorneys for the plaintiff.

16. By filing this Notice of Removal, Defendants do not waive any of their affirmative defenses, including but not limited to their rights to move to dismiss for lack of personal jurisdiction, improper process, improper service of process, improper venue, failure to state a claim upon which relief can be granted, or failure to join all necessary parties.

17. Defendant reserves the right to amend or supplement this Notice of Removal.

WHEREFORE, Defendant Sunbelt Rentals, Inc., states that this action is properly removable and respectfully requests that this action be removed from the Fourth Judicial District Court of the State of Minnesota, Hennepin County, and that all further proceedings in this action shall be conducted before this Court.

Dated: December 9, 2021

s/John E. Radmer

John E. Radmer (#0386973)

jradmer@meagher.com

Alejandra Martinez (#0400894)

amartinez@meagher.com

Meagher + Geer, P.L.L.P.

33 South Sixth Street, Suite 4400

Minneapolis, MN 55402

(612) 338-0661

Attorneys for Defendant

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